

MINUTES OF TTF CG MEETING

To: Distribution

From: Bob Hunnicutt, Tower Coordinator, Columbia Telecommunications

A meeting of the Telecommunications Transmission Facility Coordinating Group (TTF CG) was held on June 16, 2004. The following people were in attendance:

MEMBERS

Jane Lawton OCCS (240) 777-3724

Pat Hanehan MCPS (301) 279-3609

STAFF

Margie Williams OCCS (240) 777-3762

Robert Hunnicutt CTC (410) 964-5700

David Randolph CTC (410) 964-5700

Raju Iyer CTC (410) 964-5700

OTHER ATTENDEES

Tom Carroll Cole, Raywid

Steven Weber T-Mobile

Jack Andrews WFI/T-Mobile

Carl Stein MDOT

Peter Arrey MDOT

Nelson Smith MD-SHA

Richard Blood Permitted Wireless/T-Mobile

Janet Brown Jackson & Campbell

Mike Budde Network Building & Consulting/T-Mobile

Bill Waskey Network Building & Consulting/Nextel

Discussion Item - Closed Session at May 19, 2004 TTF CG Meeting: Jane Lawton stated that at the TTF CG meeting held on May 19, 2004 in Room 225 of the COB, the meeting was closed to discuss public security aspects of two WSSC applications pursuant to authority of §10-508 of the Maryland Code. She said the applications were for a proposed tower at the Brighton Dam property and at the Little Seneca Dam property. She said after the discussion in closed session, the meeting was reopened for a public vote on the two tower applications. She noted that for both applications, she, Pat Hanehan, Steve Batterden, and Helen Xu, voted in favor of the applications, and Jim Krause, the WSSC representative, abstained from voting. The attendees of the closed session included herself, Pat Hanehan, Steve Batterden, Helen Xu, Jim Krause, Marjorie Williams, Robert Hunnicutt, and Raju Iyer.

Discussion Item - May 19, 2004 Minutes: Pat Hanehan moved the minutes be approved as written. Jane Lawton seconded the motion and the minutes were approved.

Discussion Item - T-Mobile at 4-H Building in Bethesda: Jane Lawton commented that the management group of the 4-H Building in Bethesda asked for her comment on a T-Mobile design concept for placing antennas on their building. She stated that the 4-H management wanted her comments prior to presenting the proposal to the Town Council. She commended T-Mobile's creative method of concealing antennas within two "faux" chimneys to be constructed to match the existing chimneys and enclose the antennas.

Consent Agenda Items:

1. T-Mobile application to install nine panel antennas at the 106' level of an existing 130' monopole at the Cabin John VFW Post located at 11511 MacArthur Boulevard in Cabin John (Application #200406-01).
2. T-Mobile application to install nine 54" panel antennas at the 83' level atop the penthouse of a 57'

Montgomery Towers building located at 415 Silver Spring Avenue in Silver Spring (Application #200406-02).

3. T-Mobile application to install nine 54" panel antennas at the 140' level of an existing 196' WSSC lattice tower located at 12600 Great Seneca Highway in Germantown (Application #200406-06).

4. Montgomery County application to install two Yagi antennas at the 66' level on the roof of the Wheaton Station apartment building under construction at Georgia Avenue & Prichard Road in Wheaton (Application #200406-07).

Motion: Jane Lawton moved all consent agenda items be recommended. Pat Hanehan seconded the motion, which was unanimously approved.

Action Item: T-Mobile application to attach nine 52" panel antennas at the 57' level of an existing 47' building at Inwood House located at 10921 Inwood Avenue in Silver Spring (Application #200406-03).

Raju Iyer summarized the application, and noted that it was a Special Exception because the building height did not meet the 50' minimum height required for that residential zone.

Jane Lawton asked if the application contained information that demonstrated there was a gap in coverage at this site. Mr. Iyer stated that RF information had been provided and that this site was also needed for additional capacity in that area.

Motion: Pat Hanehan moved the application be recommended. Jane Lawton seconded the motion, which was unanimously approved.

Action Item: T-Mobile application to extend the existing fire hose tower by 8' and install three antennas inside a replacement cupola on the Glen Echo Volunteer Fire Department building located at 5920 Massachusetts Avenue in Bethesda (Application #200406-05).

Raju Iyer summarized the application, noting that this application proposed to extend the existing hose tower cupola by 8', and place the antennas within the extension, concealed behind a "faux" brick façade.

Mr. Hunnicutt stated he had discussions with Dave Niblock and Cliff Royalty regarding interpretations of the code as it related to this siting. He said that §59 B-1.1 of the code exempts cupolas from height limits but, as he understands it, that section pertained to how tall a building could be in a zone and not how tall it must be, as is the case with §59-A-6.14. The Tower Coordinator recommended this application whether or not it needed a Special Exception. From an engineering perspective, he said that this appeared to be a good site because it was just a minor modification to the existing structure, which did not appear to have a significant impact in the community, and the antennas were concealed within the 8' extension.

Motion: Pat Hanehan moved the application be recommended. Jane Lawton seconded the motion, which was unanimously approved.

Action Item: Maryland Department of Budget and Management application to construct a new 250' lattice tower and attach a number of State of Maryland antennas including microwave, omni-directional whip, panel, and VHF. The tower will be located on State property at I-495 & Persimmon Tree Road, Bethesda (Application #200402-03).

Bob Hunnicutt summarized the application. He stated he first heard about this proposed tower in an e-mail from the State asking if Sprint had submitted an application for a State tower at this site. He said that when he received the application, it referenced attachments that were not provided. He said his request for additional information began by asking the State to forward the referenced attachments, but ultimately resulted in numerous requests to the State for supporting engineering documentation for this facility. He added that despite the requests for supporting engineering documentation, information regarding Sprint's involvement with the project, and the other questions related to the impact on the community, the State had not provided any useful information.

He said this application was also confusing because the design documents had been prepared by Sprint and the FAA determination had been issued to Sprint. He stated that the proposed tower did not meet setback requirements.

Based on his site visit, the site was in a location where one side of the facility backed up to a golf course and another side bordered I-495 at the Persimmon Tree Road overpass, where there was a tall sound barrier on the other side of the highway. He added that regardless of those two aspects of the tower minimizing its impact on the community, it was a 250' structure that would be clearly visible to many of the homes in the vicinity.

He added that there was a balloon type test conducted at the site, by raising a crane to the 250' elevation near the site. He noted that US National Park Service staff observed this test to assess the impact on the historical areas near the site. One of the agencies submitted a letter stating they did not believe there would be a significant impact on the community, but the agency responsible for maintaining the viewscape of the Potomac River Valley and the George Washington Memorial Parkway commented they believed there would be significant impact on the viewscape.

He stated that since there was little supporting information regarding the need for this tower, the Tower Coordinator had no basis on which to make a recommendation on this application.

Jane Lawton noted that the Tower Coordinator had tried very hard to get information from the applicant, the Department of Budget and Management (DBM) but the DBM had not cooperated and provided information requested. She noted that in the past, the State had cooperated with the TTFCG and the Planning Commission, regarding placement of its towers in Montgomery County. She noted the Connecticut Avenue monopole site as an example, and said the State had met with community representatives and the State Delegates, and there had been significant State cooperation with the community before the monopole was constructed. Another example she cited was the monopole at Montrose Road, where she said the State had met with community representatives. She noted that Marilyn Praisner had also become interested in this site, as she believed it would generate public comment and would have a significant impact on the area. Ms. Lawton said that based on the lack of information and the lack of responsiveness from the State, she did not believe that the group could recommend the application.

She added that she knew that the Park and Planning Commission had tried to get information from the State, and in fact, the Board Chair had sent a letter to the State requesting information, and had not received a reply, either. She noted that the 250' height exceeds the 199' limit in the zoning ordinance for telecommunications facilities.

Pat Hanehan asked why the State had not responded to the County's requests. Mr. Arrey stated he did not know why the DBM did not answer the questions. Mr. Hanehan stated he would like to have an answer to that question should this application be revisited. Mr. Arrey stated that he hoped that the State's relationship with the TTFCG would not become confrontational, and said that he would work with the Tower Coordinator and cooperate with the County as the State has done in the past to provide sufficient information for the TTFCG to conduct its review. Mr. Hunnicutt explained that the Tower Coordinator needs engineering documentation that will support the need for State services in this area, and coverage maps showing gaps in State service in this area.

Janet Brown said she believed that section applied to Special Exception applications. Ms. Lawton replied that if this tower is constructed for Sprint's initial use, she believed it should go through the Special Exception process. Ms. Lawton added that much of the information they had received was from Sprint, not the State, and if the structure were being constructed for Sprint, given the tower height and that it would have significant impact on the nearby residences, it would require a Special Exception.

Peter Arrey stated that the tower was not for Sprint, but will be a State tower to be constructed for State communications purposes. He said he was well aware of the State's activity related to the monopolies Ms. Lawton mentioned, because he had been instrumental in handling the administrative aspects of those sitings. He said that as a result of the 1996 Telecommunications Act, Maryland law permitted resource sharing in the State, and that Sprint approached the State suggesting that Persimmon Tree location is where it appeared that many carriers would have a need to attach antennas in the future and offered to build the tower for those purposes and Sprint's own antennas. He said under the Resource Sharing authority, the State had pursued constructing a tower at that site for use with the cellular carriers. But, he said, now the primary use for the tower would be for State public safety purposes.

Jane Lawton commented that during previous TTFCG reviews of proposed State towers, the State had never

mentioned the need for a facility at this location, so it appeared this application was a speculative tower siting, which the TTFCG would not approve.

Nelson Smith, of the State Highway Administration, added that although this tower began as a speculative tower for cellular carriers, soon after the proposal was being prepared, the State Communication Office advised them that there was a need for State antennas at this location also. He said that Sprint would build the tower for the State at the State's expense and that because of the way the Maryland resource sharing law worked, the State had to work with the Office of Budget and Management, which is why that agency submitted the application. He added that they would work to get the County the information needed to complete the application but he did not know what engineering information the State needed to provide to the County for this site.

Bob Hunnicutt stated that he had sent a list of questions in a request for additional information to the DBM but they did not answer questions nor provide the information requested. He reported that the State's answers to many of the questions had been that the information requested was not necessary for the TTFCG to conduct their review. Mr. Arrey stated he would obtain whatever information he could, but he may not be able to provide detailed information about this site.

Pat Hanehan stated that since the State's response had been woefully inadequate, he moved the application not be recommended. Jane Lawton seconded the motion and the application was not recommended for approval.

Mr. Arrey asked if the State could submit the information at a later date. Ms. Lawton replied that the State could submit a new complete application and the proposed tower could be revisited at some later date. She commented that she was in agreement to not recommend the application, rather than table action on the application. She added that many residents who may be impacted by this major tower facility would be away for summer vacation and not be able to participate in the process of this siting. She wants to ensure that there is full disclosure in a public forum at a time when community members will be more available to provide their input to the process. She commented that the State, like the County and the agencies represented on the TTFCG, were accountable to the public and it was important for them all to ensure that there is full disclosure on this project as a part of their responsibility to the public.

Mr. Arrey stated he wanted to reemphasize that this tower was a State project, and he displayed a letter from the State legislature approving this site as part of the State plan, and that there is a dire need for a facility at this location.

Discussion Item - WMET AM Radio Status Update: Jane Lawton asked Bob Hunnicutt to summarize CTC's meeting with Montgomery Village Foundation and WMET staff. Mr. Hunnicutt stated that they had discussed the status of activating the station to full power. He said that the WMET representatives had established a process for recording resident interference complaints, and that they had addressed a few of the complaints by telephone. He said they stated they intended to send a letter and brochure to the other complainants informing them of ways to resolve interference with phone services, and that they would provide filters to resident's installation toward that end. He commented that although WMET had a plan to deal with interference complaints, they had not implemented the plan at the time of the meeting. Ms. Lawton recalled that the Montgomery Village Foundation intended to meet with the representatives from the FCC, and the group who met with the Park and Planning Commission Chairman and his staff regarding the matter. She asked if this was still planned. Mr. Hunnicutt replied that Sharon Levine said she would brief the Montgomery Village Foundation Board on the discussion with WMET, and the Board would decide any further steps necessary to address complaints. Ms. Lawton said she doubted the FCC would send a representative. She stated it might be appropriate for a Congressional or Council representative to send a letter to the FCC to advise them of the status of WMET's response to complaints.

Discussion Item - Meeting with Marilyn Praisner: Jane Lawton advised the group that Marilyn Praisner had requested a meeting next week with herself and the Tower Coordinator, to discuss possible legislation revisions regarding the tower siting process.

Discussion Item - Annual Site Plans: Bob Hunnicutt reminded the carrier representatives present that the annual plan updates are due in August.

Discussion Item - Next Meeting: The next meeting of the TTFCG is scheduled for Wednesday, July 14, 2004 at 2:00 p.m. in the 1st floor conference room of the COB. Jane Lawton asked that her staff and the Tower Coordinator make sure that all TTFCG members are present at the next meeting.